

DANIEL E. ALBERTI (68620)
dalberti@mwe.com
McDERMOTT WILL & EMERY LLP
3150 Porter Drive
Palo Alto, CA 94304-1212
Telephone: 650.813.5000
Facsimile: 650.813.5100

PAUL E. CHRONIS
pchronis@mwe.com
McDERMOTT WILL & EMERY LLP
ARON J. FRAKES
ajfrakes@mwe.com
227 West Monroe Street
Chicago, Illinois 60606
Telephone: 312.372.2000
Facsimile: 312.984.7700

Attorneys for Plaintiff
VESTA STRATEGIES, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VESTA STRATEGIES, LLC,

Plaintiff,

v.

ROBERT E. ESTUPINIAN, GINNY
ESTUPINIAN, MUTUAL VISION, LLC,
MILLENNIUM REALTY GROUP,
VESTA REVERSE 100, LLC, VESTA
CAPITAL ADVISORS, LLC, and
CAROL-ANN TOGNAZZINI,

Defendants.

CASE NO. C 07-06216 JW RS

**DECLARATION OF PETER YE IN
SUPPORT OF PLAINTIFF VESTA
STRATEGIES, LLC'S EX PARTE
MOTION FOR TEMPORARY
RESTRAINING ORDER AND MOTION
FOR LEAVE TO FILE A SECOND
AMENDED COMPLAINT**

1 I, Peter Ye, certify under penalty of perjury that the following statements are true and
2 correct, are based on my personal knowledge, and that I would be competent to testify thereto if
3 called as a witness.

4 1. I am a resident of the State of California. I am over the age of 18.

5 2. I am submitting this declaration in support of Vesta Strategies, LLC's Ex Parte
6 Motion for a Temporary Restraining Order, Motion for Other Relief, and Motion for Leave to
7 File a Second Amended Complaint.


8 3. I currently am, and have at all relevant times been, employed by Vesta Strategies,
9 LLC ("Vesta").

10 4. On December 3, 2007, I personally met with Robert and Ginny Estupinian at
11 Vesta's office at 150 Almaden Boulevard, Suite 1375, San Jose, California. Present at the
12 meeting were me, Robert Estupinian, Ginny Estupinian (who promptly left the meeting), Paul
13 Chronis (Vesta's attorney), and Vesta's manager and majority member. At the meeting, on behalf
14 of Vesta, Paul Chronis:

- 15 • informed the Estupinians that Vesta had recently learned about the
16 Estupinians' wrongdoing;
- 17 • handed the Estupinians a letter from Vesta informing them that their
18 employment with Vesta was immediately terminated;
- 19 • demanded that the Estupinians return all of Vesta's property to Vesta,
20 including Vesta's computers; and
- 21 • advised the Estupinians that Vesta planned to sue them.

22 5. Among other Vesta property, the Estupinians had two desktop computers at their
23 home that they were allowed to use while they were Vesta employees. Vesta owned those two
24 computers. On December 4, 2007, the Estupinians returned Vesta's two desktop computers to
25 Vesta. I was personally present to view the returned computers. Both of Vesta's computers had
26 brand new hard drives and operating systems. Neither computer had any files or data. When the
27 computers were opened, everything inside the computers had dust on it, except for the hard
28 drives. The hard drives in both computers were not dusty and looked brand new.

I declare under penalty of perjury that the foregoing is true and correct. Executed this
14th day of December, 2007.


Peter Ye

MPK 136372-2.029407.0020

MCDERMOTT WILL & EMERY LLP
ATTORNEYS AT LAW
PALO ALTO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28